



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to:  
OSB1998-1022-RI

June 6, 2000

Dr. Bob Ellis  
Ellis Ecological Services, Inc.  
20988 S. Springwater Road  
Estacada, Oregon 97023

Re: Reinitiation of Consultation for the ODOT/Clackamas  
County Sunnyside Road Widening Project

Dear Dr. Ellis:

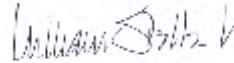
The National Marine Fisheries Service (NMFS) received your letter requesting reinitiation of consultation to address designated critical habitat for the Sunnyside Road Widening Project proposed by Clackamas County and the Oregon Department of Transportation (ODOT). Formal consultation has been completed between Federal Highway Administration (FHWA) and NMFS, and the Biological and Conference Opinion (Opinion) was issued on June 8, 1999. At the time of its issuance, critical habitat had been proposed for the Lower Columbia River steelhead (63 FR 13347).

In the Opinion, NMFS concluded that the proposed action would not adversely modify proposed critical habitat. On February 16, 2000, NMFS designated critical habitat for this ESU (65 FR 7764). In the Sunnyside conference opinion, NMFS concluded that proposed critical habitat for the subject ESU would not likely be destroyed or adversely modified by the proposed action. The NMFS agrees that no significant new information has been developed that would alter NMFS' conclusions in the conference opinion, and FHWA stated that there have been no significant changes to the proposed actions. Therefore, NMFS adopts the conference opinion on critical habitat as its biological opinion that the proposed action will not destroy or adversely modify designated critical habitat for the Lower Columbia River steelhead.

The second issue raised in your letter was the jurisdiction for cutthroat trout. As you state, jurisdiction for cutthroat trout has been transferred from NMFS to the U.S. Fish and Wildlife Service (USFWS). The NMFS encourages you on behalf

of Clackamas County to continue the discussions with Rollie White of the USFWS for issues related to cutthroat trout. Questions regarding this letter should be directed to Nancy Munn of my staff in the Oregon State Branch Office at (503) 231-6269.

Sincerely,

A handwritten signature in dark ink, appearing to read "William Stelle, Jr.", with a stylized flourish at the end.

William Stelle, Jr.  
Regional Administrator

cc: Margie Willis, ODOT Environmental  
Steve Maltby, Clackamas County  
Dave Reilly, Federal Highway Administration